

REMARKS

Claim Status

Claims 1-28 are pending in the instant application. This paper does not amend, cancel, or add new claims. Claims 1, 9, 15, 17, 21, 27, and 28 are the independent claims of the application.

Restriction Requirement

The Office Action asserted that the application contains claims directed to three distinct species: (I) Figure 1, drawn to the structures/structural elements of a loudspeaker; (II) Figures 2A/B, drawn to the to the structures/structural elements of a loudspeaker; and (III) Figures 3A/B, drawn to the structures/structural elements of a loudspeaker. Applicant hereby elects species (I) with traverse. Applicant believes that claims 1-16 and 28 are readable on species (I).

Applicant traverses the restriction requirement for the following reasons.

1. Figure 1 illustrates a cross-sectional view of a loudspeaker motor structure. Figures 2A and 2B illustrate different views of the upper back plate portion of the loudspeaker motor structure of Figure 1. Figures 3A and 3B illustrate different views of the top plate of the loudspeaker motor structure of Figure 1. Thus, Figures 2A/B and 3A/B illustrate components of the combination illustrated in Figure 1. It appears that the restriction is based on the combination/subcombination rationale, as defined in MPEP § 806.05(a). Applicant respectfully submits that the restriction should be withdrawn because at present no claims are directed solely to the components illustrated in Figures 2A/B and 3A/B.

2. To support a requirement for restriction based on the combination/subcombination rationale, both two-way distinctness and reasons for insisting on restriction are necessary. MPEP § 806.05(c). The inventions are distinct if it can be shown that the claimed combination (A) does not require the particulars of the subcombination, and (B) the subcombination can be shown to have utility either by itself or in another materially different combination. *Id.* Reasons for insisting on restriction include a serious search burden, as evidenced by separate classification, status, or field of search. *Id.* Applicant respectfully submits that the restriction should be withdrawn because the Office Action did not make any showing in support of the restriction. For example, the Office Action did not make a showing that there would be a serious search burden if the claims were not restricted.


CONCLUSION

To discuss any matter pertaining to the instant application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a notice to this effect is earnestly solicited.

Respectfully submitted,

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Anatoly S. Weiser, Reg. No. 43,229
12526 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 720-9431